Council Proceedings.

COUNCIL CHAMBER, July 7, 1884.

The City Council met in the Council Chamber, which was newly decorated for the occasion. Present — Mayor Hyman (in the chair), Aldermen Birrell, Labatt, O'Meara, Beattie, Cowan, Skinner, Hewitt, Stringer, Scarrow, Niven, Becher. There was also a large audience present.

Minutes of last meeting were read and signed.

COMMUNICATIONS READ.

From J. W. Cryer—Asking remission of dog tax, on the ground of having no dog. No. 1.

From D. G. Mackenzie, Clerk of Middlesex County—Enclosing account for maintenance of twelve persons at the House of Refuge, amounting to $457.170. No. 1.

From H. West—*Re* Sleeman's gas governor. No. 3.

From George Quinton—*Re* refund of taxes. No. 1.

From T. S. Hobbs—For withdrawal of street watering rate on Mrs. Henry's property, West William street. No. 1.

From John Tweed—For permission to use Queen's Park for a Foresters' picnic on August 6th. Granted.

From Daniel McNeil—Account of $21.25 as caretaker of Queen's Park.

From Rev. Canon Smith—Asking for use of Queen's Park for a Sunday school picnic on the 10th inst. Granted.

From John McKenzie—Asking for extension of time to pay taxes. No. 1.

From W.T. Hiscott—Asking for the use of Victoria Park for the purpose of holding a concert to raise funds for the purchase of instruments. Granted.

From Gilbert Gloss—Asking for permission to repair a frame house within the fire limits.

From M. Masuret and J. B. Laing—Protesting against the erection, on Dufferin avenue, or removal thereto, of a frame building owned by James Duffield, and asking that the permission granted to him be cancelled. No. 3.

From J. C. Dodd & Son—Stating that they are about to undertake the manufacture of cigar boxes on their premises, and asking for exemption from taxes and free water for five years. No. 1.

From George Hilton and others—Asking for the erection of a gas lamp on the corner of South and Maitland streets. No. 3.

Upon the communication of Gilbert Gloss,

Moved by Ald. Scarrow, seconded by Ald Stringer, that the prayer of the petition be granted.

In amendment, it was moved by Ald. Becher, seconded by Ald. Niven, that the matter be referred to No 3. Committee.

The amendment was carried.

On the communication from Daniel McNeil.

Moved by Ald. Stringer, seconded by Ald Skinner, that the account be referred to No. 1 Committee, with power to pay.

After some discussion the motion was passed.

NO. THREE COMMITTEE'S REPORT.

By Ald. Cowan, in the absence of the Chairman:—

(1) That the petition of J. W. Morley be granted, for permission to stand a threshing engine in front of his store, in rear of the Masonic Temple; (2) that the report of Chief Roe be received and appointments made therein be confirmed—these being that A. Tucker, T. Croden, P. J. Flannery, James O'Hagan and Thomas Wheeler, are the call men who retire, and that T. Croden and P. J. Flannery receive appointments to permanent positions on the force; (3) submit communication from City Solicitor *re* appointment of Mr. Mitchell—said opinion being that as Mr. Mitchell is not a qualified surgeon he cannot assume the duties of assistant surgeon in the hospital, and that the by-law is illegal, but that it might be amended by making it a resident student.

On motion the report was taken up clause by clause.

On clause 1—

Ald Cowan moved the adoption of the clause.

In amendment, Ald. Beattie moved that the clause be struck out. Ald. O'Meara seconded.

The original motion was carried.

On clause 2—

Ald. Cowan moved the adoption of the clause. Ald. Niven seconded.

In amendment, Ald. Scarrow moved that the matter be laid over for one week. No seconder.

The clause passed.

On clause 3.

Ald. Becher moved that Mr. Mitchell be permitted to reside in the hospital for six months from the 8th of July instant, as resident student, to assist the resident superintendent.

Ald. Stringer seconded, but subsequently withdrew, and the motion dropped.

Ald. Scarrow moved that Mr. Mitchell be allowed to reside in the hospital for six months from the 8th of July instant, as resident student. Ald. Stringer seconded.

In amendment Ald. Birrell moved that Mr. Mitchell be appointed as resident student in the hospital, under the supervision of the Medical Superintendent, for the balance of summer vacation, ending 30th September next. Ald. Cowan seconded.

Ald. Beattie asked that the matter be laid over till the Chairman of No. 3 could be present.

Upon a vote it proved a tie, five being on each side.

On motion it was decided that Mr. Mitchell be heard.

Mr. Mitchell said he had all his lectures in at the University, and intended to remain for six months.

On another vote it was a tie, and Mayor Hyman gave his casting vote against Ald. Birrell's amendment.

The original motion was carried on the same vote reversed.

THE SALVATION ARMY.

A deputation, consisting of Messrs. E. Meredith, E. T. Essery, T. McCormick, Johnston, Sparling, Ex-Mayor Campbell and Bart. Cottam were present in opposition to the by-law recently passed by the Council for the suppression of noises calculated to disturb the inhabitants.

Mr. E. T. Essery said the by-law was intended only for one class and that it was unjust, as it only interfered with the Salvation Army, while others were allowed to beat drums and break the by-law with impunity. He spoke of the by-law for a free library, which was passed by thousands of people at the polls, but which seven men here had undertaken to nullify, and he said he did not understand how any one could be punished for breaking one by-law when those who passed another destroyed it. He then read the agreement passed at the meeting, the essential portion of which was as follows:—

1. That we will not beat drums or cymbals while passing any house where there is sickness.

2. That we will not annoy or disturb the members of any church or Sunday school by beating our drums, etc., while passing said churches or schools.

3. That we will not beat drums or cymbals or make any unnecessary noise within the barracks.

4. That we will not beat the drums or cymbals when passing the houses in the immediate neighbourhood of the barracks.

5. That we will not parade Dundas or Richmond streets on Saturday nights.

6. That we will exercise extra precaution against accidents, by appointing officers whose duty it shall be to look out for restive horses, Sunday schools, churches, etc., etc.

Ald. Skinner asked, if it was so, that they would carry out these agreements.

Mr. Essery said they had agreed to do so, and would do so.

Mr. Ed. Meredith said he was sorry the by-law had been passed without consulting the Army, as he believed an arrangement could have been made. He thought it was class legislation, and that the Council should meet the Army with a fair spirit. In a lengthened speech he held that the Council should either rescind the by-law or amend it so that it would not meet the case of the Salvation Army, as he claimed that the drum beating was part of their religious worship.

Mr. Thomas McCormick also spoke, saying he was present at the request of a very large meeting. He spoke of the fact that he was present in London, Eng., and had felt great pleasure in observing the benefit done by the Army. He had seen in Ireland men whom he had known in his youth and who had been redeemed, and the same was the case in London. He thought many of the Aldermen when they passed the by-law were not aware that boys and women and men would be imprisoned, but they had made a mistake in passing such a by-law against those who were doing at least no harm. He sympathized with those who lived near the barracks, and thought they should be compensated in some way. It would not be much for the Council to give them at least part of their taxes. He claimed it was much better to acknowledge a fault than to persist in error, and the Council should allow these people to worship God as they wished.

Mr. John Campbell advanced a similar line of argument, instancing the endeavors to establish in Scotland Episcopacy and crush Presbyterianism, the efforts of the people to resist, and the force of Presbyterianism to-day, and he could trace the history of his own nation in this way. He also referred to the time in Ireland when they were "Killin' men and women for the wearin' of the green," and he said all the poor had was their liberty, and when a corporation undertook to interfere with the mode of worship of a certain people there would be a strong reaction. He was not here to say whether these people were right or not, but to protest against this class legislation. He thought the Council should rescind the by-law, and he believed they would do so, or at least suspend it until the appeal was decided. He claimed that a large majority of the citizens wished the by-law suspended and the persecution of these people stopped, and if the Council did not so amend the by-law they would make a greater mistake than they had yet.

Mr. W. W. Fitzgerald said they had heard the other speeches, and he believed the Council would be glad if they had never heard of this by-law. He also contended that it was class legislation, and said if this Council attack one sect they could not say what class they might not next attack. He believed class legislation should not be tolerated, that a large portion of the community were favorable to the Salvation Army, and that no interference with their rights as long as they acted properly was justified. He suggested that the city should present to the Army a barracks in a location where they would disturb no one, and as for the drum-beating along the streets, he thought all could endure that. For this reason he thought the by-law should be rescinded or suspended till the appeal could be determined.

Mr. C. A. Conover said the people elected what they thought a gilt-edged Council and settled down to enjoy themselves. He believed the Council were so, but misrepresentations had been made, and as there had been a large meeting of citizens and they had sent a deputation, he thought the Council would see it in a different light. He claimed it was the duty of the policemen to disperse crowds that might gather at the barracks, and the by-law should be suspended or rescinded.

Moved by Ald. Cowan, seconded by Ald. Scarrow, that the By-law recently passed by the Council prohibiting the beating of drums, etc., be suspended until its validity be decided upon by the Court of Quarter Sessions, and in the meantime all prisoners convicted under its provisions and now incarcerated within the Jail be at once liberated and their fines remitted.

After the mover and seconder had expressed their views,

Ald. Stringer said he believed the by-law was a failure and should be withdrawn, claiming that it was wrong and a standing disgrace to the Council. He held this was a religious persecution directed at the Army alone, and there was no law in the land that he knew—though he did not know much of law—which would allow it. He urged they should withdraw gracefully.

Ald. Skinner was glad some of the members had seen as he had done before the by-law was passed, for he had foreshadowed that it would be a failure. He thought all were conversant with the fact that they had done wrong and should now do right. Although it had been carried with only one opposition voice—that of Ald. Scarrow—it was done to show some of the citizens that they sympathized with them in their grievance. According to the concessions presented by Mr. Essery, he believed they would meet the case, and he felt very much humiliated that such a by-law had ever passed the Council. It was very debasing to them. The by-law should either be rescinded or they should adopt the motion of Ald. Cowan.

Ald Becher said before a vote was taken an explanation should be made as to how this by-law came to be passed. Before the last session of the Legislature municipal councils had power to pass a by-law to prevent unusual noises, but if it was not an unusual noise they could not be fined. But at the last session Mr. Mowat had given the councils power to pass a proper by-law to stop noises calculated to disturb the inhabitants, and the Council had passed this by-law, which had been called the Salvation Army by-law, but which he contended applied equally to all. It had been agreed that the by-law should not be enforced against any one unless complaint was made, and if these people had come to the police and complained, the minstrel bands and others who might be contravening the by-law would be proceeded against. The question was not whether the Salvation Army had done good—for he believed they had done a great deal of good—but the Council had passed the by-law and had a right to do so, and these people had been asked to obey the by-law and had refused to do so, and all over the country they had broken the law. One duty the Council owed to the people was to sustain the law, for now if they apologized and said they did wrong they would be the laughing stock of the whole country. They should sustain the prestige of the Council and uphold the by-law, and then, if the Salvation Army should obey the law and come to them afterwards they might amend the by-law.

Ald. Beattie had always opposed the by-law, and was sorry it was passed, but now that it had been passed the Salvation Army should lay down their drums and obey it. If they would lay down their drums and obey the by-law, he, for one, would be willing to rescind it at next meeting. They had shown such defiance of the by-law that it should be sustained.

Mayor Hyman said when the by-law was passed it was requested that it should not be carried out unless it was shown on complaint that the noises disturbed or were calculated to disturb the inhabitants, and in all the prosecutions that had taken place it was the duty of the city to show that such was the case, so that this relieved the Council of the charge of class legislation. He was in favor of giving some concessions to the Salvation Army, but he had no choice in regard to the by-law. It was his duty to carry out the wishes of the Council, and so long as they stood as they now did on the matter it was his duty to, and he would obey the voice of the Council.

After some further discussion a vote was taken upon Ald. Cowan's motion which was lost on the following division :—

Yeas — Cowan, Skinner, Stringer, Scarrow—4.

Nays—Birrell, Labatt, Beattie, Hewitt, Niven, Becher—6.

Ald. O'Meara was, on motion, excused from voting.

In amendment, Ald. Stringer moved, seconded by Ald. Skinner, that the Council request Mr. Parke, Police Magistrate, to remit the fines imposed on the members of the Salvation Army now in the County Gaol.

This amendment was lost on the same division as before.

BY-LAWS

for the leasing of stall No. 18 in the Market Bazaar to Mr. Shuff for five years, and for the appointment of Dr. Arnott as a member of the Board of Health instead of Mr. Saunders (resigned), were read a first, second and third time and passed.

NO. 2 COMMITTEE REPORT.

By Ald. Hewitt, chairman:

(1) Your committee would recommend no action in the petition of George Sime, *et al*, for the deepening of Carling's Creek; (2) that the communication of the County Council of Middlesex *re* Oxford Street Bridge be referred to the Joint Committee on Bridges; (3) that the petitions of A. B. Powell, *et al*, and Thomas Hiscox, *et al*, for stone pavement sidewalks be granted and tenders advertised for; (4) that the application of A. Mountjoy for an addition to his store in the City Hall buildings, to cost about $200, be referred to No. 1 Committee to report funds; (5) that the communication of F. Love *re* Mrs. Grosby be fyled; (6) that the name of Samuel Thornton be substituted for that of James Thornton as contractor for work at the camp: (7) that the tender of W. H. & C. R. Smith for hose for the city park at 24 cents per foot be accepted.

On motion the report was taken up clause by clause.

On clause 1,

Ald. Scarrow moved in amendment that the clause be referred back to the Committee. Ald. Cowan seconded.

The amendment was lost and the clause passed.

Clauses 2 and 3 were adopted.

On clause 4,

Ald. Hewitt moved the adoption of the clause.

In amendment, Ald Skinner moved that the clauses be referred back to the committee.

In further amendment Ald. Birrell moved that the clause be struck out.

The original clause was adopted.

Clauses 5, 6 and 7 passed, and the report as amended was adopted.

NO. ONE REPORT.

By Ald. Birrell, chairman :

(1) Your committee having examined the following accounts and finding them correct recommend the same for payment :

No. 3 Committee's Account.

Fire Department—		
Pay sheet	$892 06	
W. T. Strong	7 15	
Wonnacott & Coppinger	39 54	
Fitzgerald, Scandrett & Co	7 70	
Mrs. Hayes	33 00	
J. H. Tennant	17 25	
H. C. Green	6 35	
Loughrey & Tackaberry	9 38	
James Percival	44 61	
James Wright & Co	12 63	
J. A. Roe	5 55	
		$1075 22
Gutta Percha Rubber Co		1040 00
Alex. Anderson		62 50
W. Nowell		17 70
Duty on service pipe		7 50
Hospital.		
Pay sheet	$177 60	
C. McCallum	36 85	
G. Powell & Son	25 00	
J. Ranahan	40 75	
James Perkin	115 48	
S. Cooper	41 02	
Tytler & Bullen	170 29	
D. B. Birtch	14 10	
H. Colerick	180 00	
		$800 49
Street Watering.—J. Evans	508 62	
		508 62
Street Lighting.—W. J. Ironside	119 00	
		119 00
		$3631 06

NO. 2 COMMITTEE'S ACCOUNTS.

Sewers.		
Screaton & Gibson	$887 50	
Ben. Johnston	72 94	
Screaton & Gibson	195 00	
		$1155 44
Bridges.		
Isaac Crouse	1200 00	
Patrick Barrett	3 60	
		$1203 50
City Hall—		
W. H. Heard & Co	$ 85 73	
H. Colerick	81 50	
Wright & Durand	26 99	
G. N. W. Telegraph Co	13 50	
		$107 72

Militia Camp—S. Thornton....		110 00
Streets, etc.—		
James Wright & Co..........	$ 45 28	
James Cousins..........	4 80	
J. M. Keary....................	50	
Sime & Webb..................	18 00	
Paul Phipps	300 00	
J. McConnell..................	18 66	
Pay sheet, June 20............	826 82	
" " " 27............	817 29	
" " July 4	696 91	
		$2728 26
City Parks--		
Turner & Granger........ ...	$ 5 50	
Pearce & Weld..............	17 95	
A. Pegler	51 00	
Pay sheet, June 20...........	28 75	
" " " 27............	18 75	
" " June 4........ .	22 13	
		$ 149 08
		$5454 00
No 1 Committee accounts		
Salaries, quarter ending June 30	3355 00	
Printing and advtg., FREE PRESS Co.	43 52	
Incidental expenses.	50	
Court of Revision.............	5 00	
Cleaning and scrubbing......	5 00	
		3409 02
Relief accounts—		
G. McNeil.....................	16 50	
Tytler & Bullen...............	26 00	
W. Hinton	41 00	
G.T.R. passes.................	150 62	
		234 12
Total accounts..............		$12,728 17

(2) Your committee, having examined the statement of accounts of the late Free Library Board of Directors, amounting to the sum of $62.25, recommended the same for payment.

(3) That the petitions of Messrs. R. J. Young & Co. for refund of fine *re* verandah be fyled.

(4) That the petition of W. Pearson for remission of income tax be granted, and that the tax claimed to be charged in error be struck off.

(5) That the petition of Thomas Farncourt for refund of taxes claimed to have been paid in error be fyled.

(6) That the petition of John McKenzie for remission of statute labor, he claiming extension as a volunteer, be granted.

(7) Your committee beg to submit the police court clerk's report for June.

(9) Your committee beg to report progress in the petition of Mrs. R. Wesson.

(10) Your committee beg to submit a prepared by-law for a further loan of $25,000 from the Canadian Bank of Commerce.

(11) On the petition of Messrs. W. Beck & Co. for exemption from taxes for five years, and free water for the same period, on the conditions of their establishing a cigar box and veneering factory in the city and employing not less than twenty hands, your committee beg to recommend that the real estate of proposed factory be exempt from taxation for five years.

On motion the report was passed, with the exception of clauses 3 and 11.

On clause 3,

Ald. Beattie moved in amendment that the fine of R. J. Young & Co. be refunded. Ald. O'Meara seconded.

The amendment was lost, and the clause passed.

On clause 11,

Upon motion Mr. Beck was heard in reference to the claim for exemption from taxes and free water for five years. He would employ twenty-five men and intended to add the veneering business, and would then employ at least forty hands.

Ald. Scarrow said a petition had come up from Messrs Dodd and Son, and in view of this he moved in amendment that the matter be referred back to the committee to report. Ald. Stringer seconded.

The amendment was lost.

Ald. Birrell moved that the clause pass. Ald. O'Meara seconded.

In amendment Ald. Becher moved, seconded by Ald. Niven, that the city solicitor be instructed to prepare a by-law granting exemption from taxes and free water to Messrs. Beck & Co. in accordance with the terms proposed by them, said exemption to commence on the first of January next.

This amendment passed, and the report as amended was adopted.

The by-law to provide for the borrowing of $25,000 from the Bank of Commerce for current expenditure was read a first, second and third time and passed.

SELLING THE EXHIBITION GROUNDS.

Moved by Ald. Becher, seconded by Ald. Niven, that it be referred to Committee No. 1 to enquire and report as to the sale of the Exhibition Grounds and Queen's Park, or either of them, and the acquisition and sale of the military grounds in this city, or a part thereof, and regarding the acquisition of other grounds for exhibition and military purposes if deemed necessary. Carried.

NOTICE OF MOTION.

Ald. Scarrow—I will move at the next meeting that by-law 179 regarding unusual noises be rescinded, or instructions given to have it carried out impartially and without any inviidous distinction against any class of citizens.

The Council adjourned for two weeks,